

Serial No.: 09/757,361
Examiner: Christine Y. Ng

REMARKS/ARGUMENTS

Claims 1, 4, 18-26, 33 and 36 remain in this application. Claims 2, 3, 5-17, 27-32, 34-35, and 37-42 have been canceled. Claims 1 and 33 have been amended.

In the Office Action, independent claims 1 and 33 were rejected under 35 USC 102(e) as being anticipated by *Walia et al.* (US Patent No. 6,636,480). Applicants respectfully assert *Walia* does not disclose each and every element as presently claimed. In particular *Walia* discloses a data packet in which a first policing rule is applied and a first disposition of the data packet is made. Then if the data packet is not dropped, a second policing rule is applied and a second disposition of the data packet is made (See Figure 4, flow of Flow A Packet). That is, only one policing rule is applied to determine the first disposition of the data packet, and under certain conditions, a second policing rule is applied to determine a second disposition. In the present invention from each data packet, a "first policing result" and a "second policing result" is obtained, and, as claimed, only one "disposition decision for the packet" is made. (Claims 1 and 33). Therefore, as each and every element of the present invention is not disclosed or taught by *Walia*, Applicants respectfully request that this rejection be withdrawn.

Regarding dependent claim 4, as this claim depends from independent claim 1, and therefore incorporates all of the limitations of claim 1, for the reasons set forth above, Applicants respectfully assert that this claim is also patentable over the cited references.

Regarding dependent claim 36, as this claim depends from independent claim 33, and therefore incorporates all of the limitations of claim 33, for the reasons set forth above, Applicants respectfully assert that this claim is also patentable over the cited references.

In the Office Action, independent claim 18, was rejected under 35 USC 103(a) as being unpatentable over *Walia et al.* (US Patent Number 6,636,480) when taken in view of *Lin* (US Patent Number 6,542,508). Applicants respectfully traverse this rejection. In particular *Walia* discloses a data packet in which a first policing rule is applied and a first disposition of the data packet is made. Then, if the data packet is not dropped, a second policing rule is applied and a second disposition of the data packet is made (See Figure 4, Flow A Packet). That is, only one

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policing rule is applied to determine the first disposition of the data packet, and under certain conditions, a second policing rule is applied to determine a second disposition. In contrast, claim 18 requires producing a "first policing result" and a "second policing result" for a data packet, and then "recommending a disposition of the data packet from the first and second policing results". Applicants assert that the present invention is not disclosed, taught or rendered obvious in either *Walia* or *Lin*, whether taken alone or in any reasonable combinations. Therefore, Applicants respectfully assert that independent claim 18 is patentable over the cited references, and request that this rejection be withdrawn.

Regarding dependent claims 19-26, as these claims depend either directly or indirectly from independent claim 18, and therefore incorporates all of the limitations of claim 18, for the reasons set forth above, Applicants respectfully assert that these claims are also patentable over the cited references.

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicants respectfully request withdrawal of the Examiner's rejection of the claims, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

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